

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK

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In re

Chapter 11

1231 41 STREET, LLC,

Case no. 1-17-41407 (ESS)

Debtor.

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ORDER GRANTING RELIEF FROM AUTOMATIC STAY

Upon the motion of Madeline Montefinese a/k/a Maddalena Montefinese, Vincenzo Montefinese, and Maria Josephine Montefinese a/k/a Maria J. Salerno (collectively, the “Movants”), by their attorneys, Coritsidis & Lambros, PLLC, for an order: terminating the automatic stay pursuant to 11 U.S.C. § 362 (d) as it applies or may have applied to (i) that certain Residential Contract of Sale and Addendum to Contract (collectively, the “Contract”) for the purchase and sale of the real property located at 1231 41st Street, Brooklyn, New York 11218 (the “Property”) and all sums paid by Debtor under the Contract (collectively, the “Contract Payments”); and (ii) the Property, so that the Movants may freely exercise, do, or perform any act, right, or power, in connection with, arising out of, or relating to the Contract, the Contract Payments, and/or the Property (the “Motion”) [Docket No.17]; and upon the objection of Debtor ~~1231 41 Street, LLC~~ filed on June 22, 2017 [Docket No. 19]; and the Reply of Movants filed on June 27, 2017 [Docket No. 21]; and the hearing held on the Motion on June 29, 2017; and the hearing held on the Motion on July 7, 2017; and the Debtor’s Supplemental Brief in Further Support of Objection to Motion to Vacate the Automatic Stay (“Debtor’s Supplemental Brief”) filed on August 23, 2017 [Docket No. 41]; and the Movants’ Reply to the Debtor’s Supplemental Brief filed on August 28, 2017 [Docket No. 45]; and the hearing held on the Motion on August

29, 2017; and the hearing held on the Motion on September 8, 2017 at which Debtor's attorney and Movant's attorney appeared and were heard, and after due deliberation and sufficient cause appearing therefor, it is

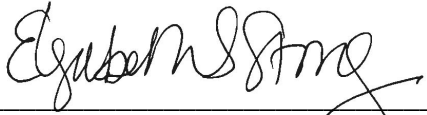
~~———ORDERED, that the Movants' Motion is granted and the automatic stay in effect, as it applies to the Contract, the Contract Payments, and/or the Property, is terminated pursuant to 11 U.S.C. § 362 (d)(1) and 11 U.S.C. § 362 (d)(2), and it is further~~

ORDERED, that the automatic stay is ~~terminated~~ **modified** as to Movants, so that Movants may **pursue their rights under applicable law with respect to** ~~exercise, do, or perform any act, right, or power, in connection with, arising out of, or relating to~~ the Contract, the Contract Payments, and/or the Property; and it is further

ORDERED, pursuant to Federal Rules of Bankruptcy Procedure, Rule 4001(a)(3) this Order is stayed until the expiration of thirty (30) days after the entry of this Order.

**Dated: Brooklyn, New York
September 15, 2017**




Elizabeth S. Stong
United States Bankruptcy Judge